

REMARKS

The present Amendment amends claims 7 and 17 and leaves claims 8-10 and 16 unchanged. Therefore, the present application has pending claims 7-10, 16 and 17.

Claims 7, 8 and 17 stand rejected under 35 USC §102(e) as being anticipated by Rautila (U.S. Patent No. 6,714,797); claims 9 and 16 stand rejected under 35 USC §103(a) as being unpatentable over Rautila in view of an alleged Official Notice; and claim 10 stands rejected under 35 USC §103(a) as being unpatentable over Rautila in view of Lang (U.S. Patent Application Publication No. 2003/0083931 A1). These rejections are traversed for the following reasons. Applicants submit that the features of the present invention as now more clearly recited in claims 7-10, 16 and 17 are not taught or suggested by Rautila, the alleged Official Notice or Lang whether taken individually or in combination with each other as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

Amendments were made to the claims to more clearly recite that the present invention is directed to a base station having a storage section for storing therein advertisement information, a radio communication section for transmitting data to and from a plurality of portable communication terminals in the form of a radio signal and a finder device for finding portable communication terminals present within a radio signal arrival range of the base station.

According to the present invention, upon the finder device finding a portable communication terminal within the radio signal arrival range, the base station

transmits a radio connection request to the portable communication terminal. The radio connection request, transmitted by the base station, requests whether a radio connection can be established with the portable communication terminal found by the finder device.

Further, according to the present invention, upon receiving a radio connection approval from the portable communication terminal in response to the radio connection request, the base station transmits information for selection of advertisement information to the portable communication terminal and then transmits the selected advertisement information to the portable communication terminal.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other.

In the Office Action the Examiner primarily relies upon the Rautila reference to reject the claims of the present application. Rautila teaches a system and method for transfer of digital data to a mobile device. As taught by Rautila, the mobile device includes a short range transceiver and a network transceiver. The mobile device accesses the electronic shop server website which contains digital products for sale and hotspot network locations where these digital products may be downloaded to the mobile device via the short range transceiver.

Thus, as taught by Rautila each mobile device detects existence of a hotspot device and then upon detection establishes a connection with the hotspot device. The hotspot device upon establishment of a connection with a mobile device detects a distance between the hotspot device and the mobile device. However, at no point

is there any teaching or suggestion in Rautila that the hotspot device has means for finding the mobile device and upon finding the mobile device transmitting a radio connection request requesting whether a radio connection can be establish with the mobile device and then upon approval of a connection transmitting advertising information to the mobile device as in the present invention as recited in the claims. Rautila merely describes that the mobile device detects the hotspot as shown in the flowcharts of Figs. 5 and 6 of Rautila.

Accordingly, at no point is there any teaching or suggestion in Rautila of a finding device which performs a finding function and that the base station transmits a radio communication request requesting permission to establish a radio communication with the mobile device as in the present invention. These features of the present invention are important in that this allow the user of the mobile terminal to decide whether or not he or she wishes to disturb by advertisement information which may transmitted in the environment in which the user is located. In the system taught by Rautila there is no finding device which finds the mobile devices nor is there a procedure which allows for the base station to determine whether the mobile device approves of sending such advertisement information to the mobile device as in the present invention.

Thus, Rautila fails to teach or suggest a finder device for finding portable communication terminals present within a radio arrival range of the base station as recited in the claims.

Further, Rautila fails to teach or suggest that upon the finder device finding a portable communication terminal within the radio arrival range, the base station

transmits a radio connection request to the portable communication terminal,
wherein the radio connection request transmitted by the base station requests
whether a radio connection can be established with the portable communication
terminal found by the finder device as recited in the claims.

Still further, Rautila fails to teach or suggest that upon receiving a radio
connection approval from the portable communication terminal in response to the
radio connection request, the base station transmits information for selection of
advertisement information to the portable communication terminal and transmits the
selected advertisement to the portable communication terminal as recited in the
claims.

Therefore, as is quite clear from the above, the features of the present
invention as recited in the claims are not taught or suggested by Rautila whether
taken individually or in combination with any of the other references of record.
Accordingly, reconsideration and withdrawal of the 35 USC §102(e) of claims 7, 8
and 17 as being anticipated by Rautila is respectfully requested.

The above noted deficiencies of Rautila are not supplied by any of the other
references of record particularly the alleged Official Notice and Lang. Therefore,
combining the teachings of Rautila with the alleged Official Notice and/or Lang in the
manner suggested by the Examiner in the Office Action still fails to teach or suggest
the features of the present invention as now more clearly recited in the claims.

In the Office Action the Examiner sets forth an Official Notice that it is well
known that restaurants and/or travel agencies update their menu and/or ticket
schedule depending on time of day, holiday seasons, promotions companies, etc.

Certainly such may be the case. However, the point in this situation is whether such updating occurs within the context of a wireless system which sends and receives advertising information as recited in the claims. Thus, the Examiner's alleged Official Notice fails in that the Examiner has not pointed to any objective teaching in either Rautila or the alleged Official Notice which would allow one of ordinary skill in the art to combine such non-analogous teachings in the manner as alleged by the Examiner. In other words, the Examiner must show some motivation to combine Rautila with the alleged Official Notice. The Examiner has not done so.

Even beyond the above, the claims were amended to clarify the features of the present invention and such clarified features were shown above not to be taught or suggested by Rautila. Certainly the alleged Official Notice does not supply such teachings since it is merely an allegation by the Examiner that restaurants, travel agencies update their menus and/or ticket schedules regularly.

Thus, Applicants submit that the combination of Rautila and the alleged Official Notice fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claims 9 and 16 as being unpatentable over Rautila in view of the alleged Official Notice is respectfully requested.

The Examiner in the Office Action also relied upon Lang for an alleged teaching of a system for providing advertising to mobile users having a central server for storing advertisement information, a wireless communication means for transmitting and receiving data between the mobile devices and the central server and a mobile device physical location detection means. However, upon review of

Lang it is quite clear that there is absolutely no teaching or suggestion of a finder device as recited in the claims nor the functions performed by the base station once a mobile device has been found as recited in the claims. As recited in the claims, the base station transmits to the portable communication terminal that has been found by the finder device a radio connection request which requests whether a radio communication can be established with the portable communication terminal. Such features are clearly not taught or suggested by Lang.

In addition, according to the present invention the base station upon receipt of a radio connection approval from the portable communication terminal in response to the radio connection request, transmits the advertisement information to the portable communication terminal. Such features are clearly not taught or suggested by Lang since no such approval process is conducted therein as in the present invention.

Thus, based on the above, Lang suffers from the same deficiencies relative to the features of the present invention as now more clearly recited in the claims as Rautila.

Therefore, combining Rautila and Lang in the manner suggested by the Examiner in the Office Action still fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly, reconsideration and withdrawal of the 35 USC §103(a) rejection of claim 10 as being unpatentable over Rautila in view of Lang is respectfully requested.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 7-10, 16 and 17.

In view of the foregoing amendments and remarks, applicants submit that claims 7-10, 16 and 17 are in condition for allowance. Accordingly, early allowance of claims 7-10, 16 and 17 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.40529X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in black ink, appearing to read 'Carl I. Brundidge', is written over a horizontal line.

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